United Nations A/HRC/25/L.21

General Assembly

Distr.: Limited
24 March 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Albania,* Andorra,* Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Czech Republic, Denmark,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland, Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro, Netherlands,* Norway,* Poland,* Portugal,* Republic of Moldova,* Romania, San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

25/... Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 22/14 of 21 March 2013 and General Assembly resolution 68/242 of 27 December 2013, and President's statement PRST/23/1 of 14 June 2013,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar, as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of his visits to the country from 11 to 16 February 2013, 11 to 21 August 2013 and 14 to 19 February 2014,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the positive developments in Myanmar and the commitment of the Government of Myanmar to continue on its path of political and economic reform, democratization and national reconciliation and the promotion and protection of human rights, recognizing the scale of the reform effort undertaken to date;

* Non-member State of the Human Rights Council.

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within the parliament, civil society and opposition parties, and urges the Government to continue constitutional and electoral reform in order to ensure that the general and presidential elections to be held in 2015 are genuinely credible, inclusive and transparent, allowing all candidates to fairly contest the elections;

3. *Welcomes* the increased space for political activity, assembly, speech and the press, and encourages the Government to fulfil its commitment to carry out comprehensive media reform and to protect the rights to freedom of expression, association and of peaceful assembly, including to allow for free and independent media and to ensure the safety, security and freedom of human rights defenders to pursue their activities;

4. *Welcomes* the continued and significant release of prisoners of conscience during the past year, and urges the Government of Myanmar to continue the important remaining tasks of the prisoner review committee aimed at the unconditional release of all political prisoners, including all political activists and human rights defenders detained recently, to continue working with the parliament to repeal existing legislation which is not in line with international human rights standards and to ensure the full rehabilitation of former prisoners of conscience;

5. *Expresses concern* about remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and urges the Government of Myanmar to step up its efforts to put an end to such violations;

6. *Welcomes* the ongoing efforts aimed at reviewing and reforming legislation, including the Constitution, and stresses the need for and relevance of such reforms, recalls the importance of ensuring its compatibility with international standards and democratic principles, in this regard acknowledges with interest the draft legislation on the National Human Rights Commission intended to bring its functioning into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and calls upon the Government of Myanmar to continue legal reform, including by further repealing laws restricting fundamental freedoms, and to consider ratifying additional international instruments, including international human rights conventions, and incorporating these in national legislation;

7. *Encourages* the Government of Myanmar to take further steps to strengthen good governance and the rule of law, including through legislative and institutional reform, and to address the need for an independent, impartial and effective judiciary, and repeats its call upon the Government to take necessary measures to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights law and humanitarian law;

8. *Welcomes* the peace process efforts and the ensuing signing of ceasefire agreements between the Government of Myanmar and the ethnic armed groups and urges full implementation of these agreements, including for all parties to protect the civilian population against ongoing violations and abuses of human rights and international humanitarian law and for safe, timely, full and unhindered humanitarian access to be granted to all areas, and also welcomes the commitment of the President and his Government and the armed opposition groups to reach a nationwide ceasefire and pursue an all-inclusive political dialogue, notably with the participation of women, with the objective of achieving lasting peace;

9. *Urges* the Government of Myanmar to accelerate its efforts to address discrimination, human rights violations, violence, hate speech, displacement and economic

deprivation affecting various ethnic and religious minorities, to take all necessary measures to prevent the destruction of places of worship, cemeteries, infrastructure and commercial residential buildings belonging to all peoples and to ensure freedom of movement and equal access to services, including health and education;

10. *Reiterates its serious concern* about the situation of the Rohingya and other minorities in Rakhine State, including repeated instances of violence that led all communities to suffer tremendous trauma, and other abuses in the past year, including earlier this year in Du Chee Yar Tan, requesting that an independent investigation be undertaken into those events and that those responsible be held to account, about attacks against Muslim minorities elsewhere in the country and about intimidation of and threats to the United Nations and other humanitarian workers operating in Rakhine State; calls upon the Government of Myanmar to protect all civilians from violence, to ensure full respect for human rights and fundamental freedoms, including full and immediate access to humanitarian assistance without discrimination, unhindered access by humanitarian agencies across Rakhine State and the safe and voluntary return of internally displaced persons and refugees to their communities of origin, to allow freedom of movement and equal access to full citizenship for the Rohingya minority and to address issues of land ownership and restitution of property; and, while welcoming some measures taken by the Government in this regard, encourages the Government to facilitate interfaith and intercommunity dialogue and address the root causes of the issue and to undertake full, transparent and independent investigations into all reports of human rights violations to ensure accountability and bring about reconciliation;

11. *Welcomes* the improved engagement and cooperation by the Government of Myanmar with the United Nations and other international actors, including the Special Representative of the Secretary-General for Children and Armed Conflict and the International Labour Organization, and the progress made towards ending recruitment and use of child soldiers in Myanmar and towards the elimination of forced labour, and calls for an extension and full implementation of the action plan to end and prevent the recruitment and use of children by the armed forces, and the implementation of other relevant agreements including the commitment to end forced labour by 2015;

12. *Expresses concern* at further delays, while recalling the commitment of the Government of Myanmar to open a country office of the Office of the United Nations High Commissioner for Human Rights, notes ongoing negotiations and calls upon the Government to promptly establish the office with a full mandate, including monitoring, reporting and technical assistance, and to specify a process for the opening of the office in accordance with the mandate of the High Commissioner;

13. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development, and encourages private companies to ensure that their investment and related activities respect human rights in accordance with the Guiding Principles on Business and Human Rights;

14. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011, 19/21 of 23 March 2012 and 22/14 of 21 March 2013 and, in addition, invites the Special Rapporteur to include in his or her next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building and information on the progress in the electoral process and reform in the run-up to the 2015 elections;

15. *Calls upon* the Government of Myanmar to continue its cooperation with the next Special Rapporteur in the exercise of the mandate, including by facilitating further visits, while welcoming the cooperation of the Government with the Special Rapporteur, and calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him or her to discharge the mandate fully;

16. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-ninth session and to the Human Rights Council in accordance with its annual programme of work;

17. *Expresses* its strong support for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.